

## Introduction

Thank you Mr. Chairman, Ranking Member Jackson-Lee and Members of the Subcommittee. I am pleased to be here today to discuss the critical issue of how best to reform our current immigration structure to address current and future immigration challenges facing the nation.

These immigration challenges have changed dramatically in recent years. The tremendous growth of the global economy has increased the flow of money, goods, and people across our borders. Organized smuggling has increased both in size and sophistication. Unforeseen world events - from Hurricane Mitch in Central America to the conflict in Kosovo increasingly impact our day-to-day operations. And the new legislative mandates - such as the broad new authorities and responsibilities contained in the Illegal Immigration Reform and Responsibility Act of 1996 - continue to evolve and present new challenges.

These sweeping social, economic, and political changes at home and abroad have made unprecedented enforcement and service demands on the Immigration and Naturalization Service (INS).

We have met these new challenges and goals head on and have achieved success in many areas. Let me mention just a few.

INS has had the greatest success in enforcement, particularly at the border, where we have used new resources to address longstanding enforcement challenges.

A prime example is our Southwest border enforcement strategy where we have achieved more in the past five years than has been done in decades. Five years ago, we developed a comprehensive multi-year Southwest border strategy with a clearly defined goal of deterring illegal migration, drug trafficking and alien smuggling, while facilitating legal migration and commerce.

To help us meet our goal, Congress provided funding for unparalleled growth in personnel and resources. We have doubled the number of Border Patrol agents, which stands at more than 8,000 today, and have supported them with state-of-the-art force-multiplying equipment and technology. And we have seen results.

Today, we have achieved considerable success in restoring integrity and safety to the Southwest border, thereby improving the quality of life in border communities. Operation Rio Grande is just one recent example of how successful deterrence works. After a concentrated effort to gain control of the border in South Texas and New Mexico was initiated in August 1997, apprehensions in Brownsville declined

by 35 percent in FY 1998. This mirrors the decline in criminal activities that have accompanied INS border operations in other areas, such as with Operation Gatekeeper in San Diego where apprehensions reached an 18-year low in FY 1998. Local law enforcement credit our operations for directly decreasing crime rates in Laredo, Brownsville, and San Diego among others.

To complement the work along the border between the ports of entry, we have worked closely with other federal agencies to enhance our enforcement efforts at the ports while at the same time facilitating legal migration and commerce. Our target has been to achieve a less than 20 minute wait in our port of entry traffic lanes at least 80% of the time. From October 1998 to May 1999, we met this goal 96% of the time and we continue to build on this success at all of our ports of entry.

Complementing this enhanced border management is an effective approach to combating illegal immigration in the nation's interior. We have now developed and begun to implement a new interior enforcement strategy focused on the investigation of human smuggling, human rights abuses, and other criminal violations. Last November, we announced the dismantling of the largest, most complex smuggling ring ever encountered by federal authorities. It smuggled more than 10,000 people into the United States, with organizers grossing nearly \$200 million.

We have also been successful at keeping pace with record numbers of criminal and illegal aliens coming through the system. For the fifth consecutive year, INS removed a record number of criminal and other aliens in fiscal year (FY) 1998, reflecting the agency's continuing commitment to ensuring that illegal immigrants are not only caught, but also removed from the country.

From FY 1993 to FY 1998, criminal alien removals increased by 98 percent, from 27,825 to 55,211. Such record removals and increased resources have helped INS deal with the fastest growing detention population within the Department of Justice. In FY 1998 alone, INS expanded its detention capacity by 33 percent, or 4,000 beds for an end of year total of 16,000 beds, which supported the detention of over 160,000 individuals who spent some time in INS custody.

Success has not been limited to our enforcement function. We are also beginning to see improvement in the provision of immigrant services as a result of recent funding and our reengineering efforts.

Our top priority in the provision of these services has been revitalizing the nation's citizenship program in its entirety. In FY 1998, we opened more than 120 new

fingerprinting sites in immigrant communities across the country, implemented additional quality assurance procedures to ensure integrity which repeated outside audits have validated, and expanded access of our customers to information that they need.

During this comprehensive effort to overhaul the entire naturalization process, we have maintained as our number one focus the reduction of the backlog of pending naturalization applications. With the new staff that we have brought aboard and the continued improvements in our conversion to automated processes, we have moved ahead in meeting the very ambitious goals that we have set in naturalization for this year. During the third quarter of this year, the INS completed a total of 337,221 applications as compared to 164,007 completions during the same quarter last year - an increase of over 106 percent. This means that during FY 1999 through June, the INS has completed more than 798,900 naturalization applications, more than were completed during all of FY 1998.

The significant progress that we have made on these and other longstanding problems demonstrate that we can achieve results given the proper resources and a truly coordinated approach.

However, I am all too aware of the problems that we have at INS. Consistent, courteous and timely customer service is not uniformly provided. Mission conflict at the local operational level often impedes accountability, and the current bureaucratic chain of command hampers efficiency.

I assure you that I am and have been working to solve these and other problems, but I cannot fully succeed without the necessary structural changes that will result in a true and meaningful transformation - from a strained structure designed to deal with the smaller and more manageable workload of yesterday to a modern system equipped to meet the challenges of today and tomorrow.

Restructuring alone will not solve all of our problems but it will better position us to solve many by providing the core framework for administering the nation's immigration policy in the most effective manner possible. Restructuring will provide us with the tools necessary to achieve comprehensive change across the board, from our operational structure to the culture of our organization. It is the next step in our ongoing institutional reform.

I am committed to fundamental change that will bring about true, meaningful reform as quickly as possible, and I want to work with Congress to achieve these reforms.

The INS must change and will change. Therefore, the question before us is how to change the current immigration system to ensure that this change will improve the immigration system so as to meet tomorrow's challenges and not undermine the significant progress we have made.

And the time could not be better. We have a new workforce eager and ready to embrace the structural change that will allow them to perform more effectively and foster the new culture of customer-oriented professional service.

Fortunately, I believe we share many core restructuring principles and structural solutions. This is critical for we must work together to lay the foundation of the immigration system that will last far beyond this Administration and this Congress into the next century.

I know that we cannot succeed without your help and support and I look forward to reaching a final plan together.

Before discussing the Administration's proposal, let me briefly share with you the extensive research and work we have done to bring us to where we are today.

### **Administration Process**

As you may know, two years ago, Congress asked the Attorney General and me to report back on the 1997 proposal that the Commission on Immigration Reform (CIR) prepared calling for structured changes in the nation's immigration system. The Administration's review of the CIR recommendations led to a proposal for a new framework for improving INS which I shared with you last spring.

As you may recall, the Administration's Framework for Change set forth a high level structure that fundamentally changes our immigration system to the core. It preserves one coherent immigration system while building a strengthened law enforcement operation and a new service-oriented organization by splitting enforcement and services functions into two distinct chains of command.

Since last spring, INS has worked on providing the detail that illustrates how the INS' organizational structure would look and operate beneath the framework. This past fall, INS formed a restructuring team in the Commissioner's Office, and hired a nationally renowned consulting firm, PricewaterhouseCoopers (PwC), to provide design support and best practices from other public and private organizations.

The Restructuring team's planning has been extensive and has drawn upon both internal and external input. It has involved wide-ranging consultation with INS field and headquarters staff. Team members talked to more than 900 INS

employees during field site visits and headquarters interviews.

Through a PwC stakeholder advisory board as well as through specific briefings, the Restructuring team also engaged in extensive consultations with INS external stakeholders, ranging from community-based organizations to trade and international business organizations to other government and law enforcement agencies. Regular meetings with staff from the Department of Justice, the Office of Management and Budget (OMB), the White House, and Congress have been ongoing to gain input and ideas.

To apply successful lessons from structures of relevant organizations for benchmarking purposes, the team extensively researched other federal law enforcement and service providing agencies, including selected state agencies and private corporations.

INS senior management and Administration reviews of this work have led to the detailed proposal, which I would now like to discuss with you.

### **Administration Proposal**

Let me begin by saying that the Administration's proposal and the legislation recently introduced, H.R. 2528, seek to address the same problems and contain many similar structural elements. We both want the same thing - results.

Both the Administration's proposal and H.R. 2528 represent bold, far-reaching, fundamental reforms geared toward providing better customer service and improved law enforcement.

Both propose a complete split between enforcement and services to provide better results, improve accountability, and strengthen management in both areas.

Both advocate putting these two distinct functions into separate chains of command, keeping them within the Department of Justice.

Our key difference is how the interrelated missions should be coordinated.

First, let me describe the Administration's proposal and identify areas where we have shared views. I have included the proposal itself as part of the record and would like to highlight its main features.

The Administration's proposal achieves each of the four primary goals that we identified at the beginning of our effort.

First, the proposal strengthens accountability by providing clear, separate chains of

command for immigration services and enforcement from the top of the agency to each local manager so that these managers can be held accountable for performance and results in their area of expertise.

Second, the proposal helps achieve a culture change in customer service by providing for structural features such as remote servicing offices and for full-time positions devoted solely to ensuring consistent, courteous, accurate and timely service.

Third, the proposal builds a seamless enforcement structure that supports all enforcement activities at and between ports of entry and in the nation's interior.

Finally, and most importantly, the proposal ensures a coherent immigration system for the nation that enforces the laws at the border and in the interior as well as serves the immigrant community.

The Administration's proposed new immigration structure represents fundamental reform. In the current organization, managers and employees are frequently required to reconcile conflicting priorities at the expense of one or the other of the agency's immigration services and law enforcement missions. This proposal calls for radically transforming the current structure by creating two new mission-centered organizations - one for immigration services and one for law enforcement - each with a distinct chain-of-command but within one coherent immigration system.

The three INS regional and thirty-three district offices that have increasingly struggled with dual mission responsibilities would be eliminated and replaced with area and local offices organized in networks focused around either immigration service delivery or law enforcement.

## **Immigration Services**

The proposed structure for Immigration Services (IS) builds upon the work that INS has already begun in its comprehensive overhaul of its benefit-granting mission in providing new customer service as reflected in the streamlined Immigration Services Division and the National Customer Service Center. The new structure is designed to achieve a culture change that will make Immigration Services a model of customer service.

Specifically, the agency's new structure would establish a senior executive manager for Immigration Services who would be the head of the new Immigration Services chain of command and skilled in service delivery. Working with an integrated program staff organized according to specific services - family, business

and trade, resident and status, and citizenship - this executive would be responsible for INS' immigration services mission and would be held solely accountable for that mission's results.

The proposal establishes a senior level Customer Service Advocate who reports directly to the head of Immigration Services to promote customer service throughout the agency. The Advocate would have the responsibility of ensuring that customers are treated fairly and courteously in a timely manner in local offices throughout the country.

Let me be clear about this point - the Customer Advocate position would in no way substitute for the requirement that all INS managers be accountable for customer service. Rather, we would reinforce this institutionalized culture of customer service by having a national point for customer service training, the conducting of annual customer satisfaction surveys, and problem resolution.

The proposal eliminates a layer of management and creates geographic operational areas headed by directors who would report directly to the head of Immigration Services. We have ensured that the new areas are based on such factors as the location of immigrant communities to better reach and serve our customers. In addition, each of the new geographic areas contains one of the metropolitan areas that are among those with the largest volume of applications so as to better manage the workload for more timely and accurate processing.

These Area directors would oversee all local immigration services offices within their area and ensure quality, timely management of adjudications workloads as well as consistent decision-making. With clear mission demands, the Area directors can be held directly accountable for achieving performance and customer service standards within their areas.

To maximize direct service for our customers, the proposal would build upon existing offices that locate the most customer focused activities directly in the communities to eventually establish additional local immigration offices that would report, through Area directors, to the head of Immigration Services. These offices would report directly to the head of Immigration Services and provide services such as fingerprinting, general information, problem resolution, testing, and adjudication.

In addition, the proposal would build upon the gains we have made in using economies of scale to improve service such as in the provision of remote services to our customers. The proposal would consolidate all remote operations - telephone, service, and card centers - under one director that would report to the

Immigration Services executive. This director would be held accountable for these operations critical to a modern customer service organization.

The proposal also would consolidate the asylum, refugee, and humanitarian affairs programs and maintain the current domestic asylum offices - a single mission program that has a proven record of results - to provide for fuller integration.

## **Enforcement**

To effectively enforce the nation's immigration laws, the new structure consolidates all existing enforcement functions under one new chain of command while keeping the single mission enforcement units, such as the Border Patrol sectors, intact. This comprehensive law enforcement approach has been designed to promote seamless enforcement from the nation's borders to its interior.

The new enforcement structure would integrate all enforcement operations and consolidate domestic and international enforcement programs under one senior law enforcement executive supported by two principal deputy positions - the Chief of the Border Patrol and a Deputy for enforcement operations. This senior executive would be accountable for all enforcement operations.

This coordination under one enforcement head will help address many difficulties we encounter in our enforcement efforts. It will enhance coordination with other law enforcement agencies on comprehensive border-control strategies to ensure that there is one coordinated enforcement message. It will strengthen the ability to pursue illegal activities that cross geographic boundaries as one enforcement head will be in charge. With the enhanced coordination between ports, as well as with other INS enforcement entities, the ability to identify and break large-scale criminal enterprises will increase.

The structure itself fully integrates all enforcement functions into geographic enforcement areas based on workload and enforcement priorities such as anti-smuggling routes, and headed by law enforcement professionals responsible for monitoring performance and ensuring compliance with standard agency-wide policies and procedures. The proposal removes a layer of middle management so that the area heads report directly to the head of enforcement. This direct chain of command and full integration will allow enforcement area directors to allocate resources in response to rapid changes in criminal activities.

Recognizing the exponential increase in the demand for detention space, the proposal would centralize the detention program at the national level to provide for better management of limited detention space and coordination of this vital



enforcement support function. The proposal also recognizes our increased dependence upon the use of contracted beds to meet our detention responsibilities. As a result, the proposal provides for a national structure that ensures that uniform standards are followed, consistent practices are utilized, and INS and contracted facilities are monitored to ensure that every INS detainee is afforded the same protections and rights guaranteed by law.

The proposal also creates Community Advisory Panels at the national and area levels to provide community input regarding enforcement operations, to institutionalize a forum for public involvement, and to foster better community relationships and cooperation. This will ensure that senior management directly hear from the community as they make operational decisions, and will better educate our personnel in the field of the concerns unique to a particular community as they carry out an enforcement mission.

In short, the proposed integrated enforcement structure is designed to meet the needs of a modern, professional law enforcement agency that can manage the complexities of immigration law and crimes that often extend far beyond our boundaries while upholding the civil rights of all individuals.

## **Support Structure**

The Administration's proposal provides for unified support operations to effectively serve both the immigration services and law enforcement functions. Separate and apart from high-level coordination, which I will discuss momentarily, operational integration of administrative support is key to achieve fundamental reform of our immigration structure.

The unified support operations structure contained in the Administration proposal would provide support activities such as a records and national file center, training and human resource functions, automation, data support and technology, and administrative support.

I can tell you, the importance of a unified support operations structure cannot be overstated.

With respect to records alone, the INS maintains more than 25 million immigrant files, each of which contains a detailed account of the individual's relationship with the United States, including enforcement and benefit matters. These files must be complete and must be made available to employees quickly and easily, without regard to whether the records are needed by an adjudicator in Immigration Services or an investigator in Enforcement Operations. We have already begun centralizing these millions of files in the National Records Center in Missouri to establish a consolidated records management function to ensure access to files and availability to all INS offices - service and enforcement - which need it.

Not only does a unified support structure serving both chains of command help maintain essential operational integration, but it also makes the most effective and efficient use of the resources the Administration and Congress have provided the INS over the last five years.

## **Coordination**

The key component of the Administration's proposal, and the primary difference with H.R. 2528 is where the coordination of the immigration functions occurs.

The Administration's proposal recognizes that immigration enforcement and immigration services are inextricably linked and need to be managed within an overall integrating structure by one full-time, senior appointed official who will be the policy voice for immigration and directly responsible and accountable for both services and enforcement operations. This would allow the government to maintain the crucial balance between enforcement and services that is needed for a coherent national immigration policy.

Recognizing this interrelated nature of the service and enforcement missions, the Administration proposal establishes a number of functions at the national level, provides the necessary operational coordination between the two separate chains of command, and creates a unified administrative support structure.

Agency-wide functions at the national level provide a single point for setting broad strategic direction and ensuring overall coherence in implementation of immigration policy, application of immigration law, and communication with the public. The new structure centralizes these overarching functions by establishing national offices responsible in such critical areas as legal functions and representation, policy, financial management, professional responsibility and review, congressional and intergovernmental relations, community relations and outreach, and public information.

For instance, the nation's immigration laws determine the legal status of all non-citizens in the United States. The laws outline how those who are here unlawfully can obtain legal status and how those here legally can lose that status. Because these processes are intertwined in statute and practice, assigning them to separate entities with no coordination would fragment and weaken the government's ability to fairly and effectively administer immigration laws.

And in this day of rapidly changing events that can play out before the world in real time, a single voice for United States immigration policy that can respond quickly and decisively on immigration matters is critical. Recently, the INS was able coordinate and respond quickly to provide one flexible, balanced approach in its handling of thousands of Kosovo refugees seeking refuge in the United States.

And the coordination provided by a single integrative structure is not just needed for overall policy guidance. The structure must also provide for day-to-day operational coordination.

While separating the two missions into two chains of command does help solve the problem of accountability and mission focus on the local level, operational coordination is still a necessity. Let me use just a key example.

As INS has increased its enforcement effectiveness in its border control, interior enforcement and criminal alien removals, there has been a corresponding increase in the number of individuals resorting to fraudulent means to enter and remain in the United States. Stopping benefit fraud requires close coordination between the Service Centers, the Immigration Services division and investigators.

On a daily basis, INS adjudicators in service centers and local offices review thousands of applications and other supporting documents. In the course of their adjudication work, they often detect suspected fraudulent documents and suspect applications. The service centers and local offices refer suspect applications and petitions to the appropriate district office for analysis and consideration for investigation. Immigration Services employees also develop general intelligence information about patterns of fraud and possible groups or individuals involved.

INS Special Agents working with the service center or local office review the information referred by immigration services employees. Once an investigation is initiated, special agents complete all necessary fieldwork on the case through prosecution if necessary, and report the results to the appropriate immigration services office for completion of the adjudication action. Special agents and intelligence analysts also compile intelligence information from various service centers and local offices into plans containing strategies and tactics to maximize future investigations of benefit fraud.

Benefit fraud investigations and resulting fraud reduction efforts would suffer from constant challenges and competing priorities if the two interrelated missions were completely split.

The Administration proposal recognizes this need for a single official to effectively

set forth a uniform policy while eliminating potential mission conflict at the operational level by clearly defining staff's roles, responsibilities and reporting relationships. It would provide for one policymaking authority on benefit fraud issues at the top of the organization while at the operational level placing investigators assigned specifically to benefit fraud cases in the Service Centers who would report directly to the area enforcement director.

And there are many like examples.

Temporary Protected Status is a generous humanitarian action that must also discourage potential increased illegal migration, decisions to grant it must be informed by both enforcement and benefit-granting considerations.

With the initiation of the expedited removal process, the designing of the regulations, training, and proper implementation required enforcement and benefit-granting policy and operational perspectives to ensure a proper and fair process.

The development of easily verifiable, fraud-resistant documents is essential for improving the delivery of services, as well as for enhancing the enforcement of the nation's immigration laws. Expertise in each field is needed to develop the documents and provide the right balance.

In short, the Administration proposal carefully balances the need to eliminate potential mission conflict at the day-to-day operational level while recognizing that the missions are complementary and both must be considered where immigration policy and the national interest are involved.

## **Conclusion**

We live in an era of large-scale immigration and increasing international migration pressures. We need greater, not less, cohesion and stronger consolidation and interaction among functions, such as those achieved by this Administration in its management of the Southwest border, in order to serve the broad public policy needs of our time.

How to organize immigration governance has been debated for more than 100 years as a response to problems in the immigration bureaucracy that transcend particular administrations or historical periods. This Administration's proposal represents fundamental reform that will strengthen the immigration system. We should not let the frustration we share lead us to weaken our institutions and our ability to carry out responsibilities in both enforcement and benefit-granting that are mutually reinforcing, not fundamentally incompatible.

I look forward to working you and other members of Congress in moving forward to restructure INS to bring much needed reform to our immigration system in a manner that best serves the nation. Thank you.